



**Town of Uxbridge  
Zoning Board of Appeals  
21 So. Main St.  
Uxbridge, MA 01569  
(508) 278-8603**

Page 1 of 3

Minutes of the **May 2, 2007** at 7:00 P.M. in the Board of Selectmen's Meeting Rm., Uxbridge Town Hall, 21 So. Main St., Uxbridge, MA:

Member(s) Present: Chairman: **Ernie Esposito, Carol Masiello, and Mark Wickstrom**  
Associate Member(s) Present: **John Higgins**  
Member(s) Absent: **None**  
Others Present: **Floyd Forman, Dir. Of Planning & Economic Development, Cheryl Brodeur**

The meeting being duly called, properly posted and a quorum being present, Chairman Esposito convened the meeting at 7:00 P.M.

**PUBLIC HEARING(S) NEW**

**FY07-30: The applicants / owners of record, Priscilla Hitchcock & Constance Blaine, are seeking, in the Residence A Zone, a Frontage Variance of 49 ft. on No. Main St. and a Frontage Variance of 27 ft. on Seagrave St. from the 125 ft. Frontage requirement, on a lot located at 36 Seagrave St., Uxbridge, MA, shown on the Town of Uxbridge Assessor's Map 18B, Parcel 3839, and recorded in the Worcester County District Registry of Deeds Bk. 19573, Pg. 399, in order to add a 6 ft. x 19 ft. kitchen to an existing non-conforming lot.**

Chairman Esposito opened the Public Hearing on this matter. The applicant was present as was the applicant's representative, Peter Petrillo. Mr. Petrillo explained to the Board members that the applicant has a 6 ft. x 8 ft. galley kitchen now and that the frontage and side setback dimensions did not meet zoning. He went on to say that the frontage is on Seagrave and that the applicant was 2 ft. short on the side setback. The Board decided to deliberate right away. Carol Masiello asked Mark Wickstrom if he had any questions. Mr. Wickstrom mentioned variances and that the existing footprint is pre-existing. Peter Petrillo said that the applicant was just building out but filling in part of the gap. Mark Wickstrom mentioned that this would be no more non-conforming (than the existing structure). No abutters were present. Mark Wickstrom commented that as there were no objections from neighbors that there was no need to deliberate.

**Vote: Mark Wickstrom** made a motion, seconded by **Carol Masiello**, to make a **FINDING** under **MGL C. 40A, S. 6** and that the proposed extension of the pre-existing structure is not substantially more detrimental to the neighborhood than the existing non-conformity and that the Building Inspector shall issue a permit for the work. The vote was **3-0-0 in favor** of the motion. Chairman Esposito reminded the applicant / representative that no twenty day appeal period is required. **(Action: Finding Granted – CAB: Type up decision)**

**FY07-29: The applicant / owner of record, First Evangelical Congregational Society, is seeking, in the Residence A Zone, an Area Variance of 11,544 sq. ft. from the 20,000 sq. ft. Area requirement, and a Rear Setback Variance of 24.54 ft. on a 30 ft. Rear Setback**

requirement, on a lot located at 8 Court St., Uxbridge, MA, shown on the Town of Uxbridge Assessor's Map 18B, Parcel 4796, and recorded in the Worcester County District Registry of Deeds Bk. 04808, Pg. 1851, in order to create a new lot or Parcel B that will not meet current zoning. Chairman Esposito opened the Public Hearing on this matter. John Andrews of Andrews Survey and Engineering represented the applicant. Mr. Andrews explained to the Board members that there were three building situated on one parcel: a parsonage, a church, and a community center. He further explained that the church needs some one hundred thousand dollars in repair. Mr. Forman asked how the applicant intended to separate the parsonage (home) from the other buildings and mentioned that this probably would fall within the Planning Board's purview. Mr. Wickstrom referenced MGL C. 41 S. 81L (which says that the division of land with two buildings already on it [prior to zoning], so long as the frontage and adequate, is not a "subdivision" and therefore the plan can be submitted under 81P as an ANR plan). The subjects of mixed use and church exemptions were touched upon by Carol Masiello and Floyd Forman. Mark Wickstrom reminded Mr. Andrews that he would have to bring forward an 81P to the Planning Board and mentioned that he would like to see a restriction placed on Parcel "A" such that it could not be subdivided. Mr. Andrews gave his assent. Floyd Forman reminded the Board members that they could condition their approval in such a way as to assure that the parsonage would always remain a single-family home. No abutters were present. Mark Wickstrom suggested that the hardship arose from the fact that there were existing buildings that pre-dated zoning which means the applicant would be able to do what they were attempting to do by right and went on to say that there was no proper rear setback. Carol Masiello postured that she didn't consider this a hardship and John Higgins said that the applicant had to keep the parking lot for the church and community center. Mark Wickstrom indicated that the applicant needs some back access for trash removal and fire fighting apparatus to the church and the community center. He went on to say that if some portion was sold off, a fence could be erected thereby eliminating access for trash removal and fire fighting apparatus. **Vote: Mark Wickstrom** made a motion, seconded by **Carol Masiello**, to grant under MGL C. 40A, an Area Variance of 11,544 sq. ft. from the 20,000 sq. ft. Area requirement and a Rear Setback Variance of 24.54 ft. from the 30 ft. Rear Setback requirement on Parcel "B" and require the existing garage as shown be razed and that the existing building on Parcel "B" be a single family dwelling, and furthermore that the Board find that the existing house at the adoption of the By-law met zoning and that the new division of property is in keeping with MGL C. 41S ss 81L and further find that adding any more square footage to Parcel "B" would be a hardship in restricting access to the existing building on Parcel "A" and further finds that granting the proposed Variances is not substantially more detrimental to the neighborhood or derogate from the Zoning district in which it lies. Further, with regard to Parcel "A", grant a Setback Variance of 4 ft. from the existing building on Parcel "A" to the new lot line for the same reasons stated above. Carol Masiello questioned whether this scenario was legitimate under S. 5 ss C where it was not 2 houses on one lot but instead a house, a church and a community center and wanted her question noted. The vote was **3-0-0 in favor** of the motion. (**Action: Variances Granted – CAB: Type up decision**)

#### **PUBLIC HEARING(S) CONTINUED**

**FY07-27:** The applicant / owner of record, Ralph E. True, Jr., is seeking, in the Residence C Zone, a Frontage Variance of 150 ft. from the 200 ft. requirement, on a lot located at 91 Quaker Hgwy., Uxbridge, MA, shown on the Town of Uxbridge Assessor's Map 30, Parcel 3382, and recorded in the Worcester County District Registry of Deeds Bk. 34739, Pg. 387, in order to construct a home meeting all required setbacks on the resultant lot. Mark Wickstrom made a motion, seconded by Carol Masiello, to grant the request of the applicant to

continue the Public Hearing on this matter to 06/06/07. The vote was **3-0-0 in favor** of the motion. (Action: Cont. PH to 06/06/07)

**FY07-20:** The applicant, Steven Flagg, is seeking, in the Business Zone, a Class 1 License to sell new motor homes, trailers and RVs, seven (7) days a week from 9:00 A.M. to 8 P.M. on a property located at A. 30 Monahan Dr. and B. 164 Providence St., Uxbridge, MA, shown on the Town of Uxbridge Assessor's Map 51, A. Parcel 2755 and B. Parcels 2841, 2768 and 2881, and recorded in the Worcester County District Registry of Deeds (A.) Bk. 06471, Pg. 349 and (B.) Bk. 17166 Pg. 274. The owner of record is David Besette. Because no new information has been submitted on this matter, Mark Wickstrom queried as to whether or not the Board could deny without prejudice since the applicant had not requested a "Withdrawal Without Prejudice". Mark Wickstrom made a motion, seconded by Carol Masiello, to deny without prejudice the applicant's request for a Class I License. The vote was **3-0-0 in favor** of the motion. (Action: Denied Without Prejudice)

**FY07-24:** The applicants / owners of record, Northwind Partners MA, LLC, are seeking, in Residence C and Agricultural Zones, a Special Permit for Use in accordance with the Town of Uxbridge Zoning By-law S. XX Age Restricted Development Overlay District, s.s. B. Permitted Uses and s.s. N. Criteria for Review, on a lot located at Taft Hill Ln., Uxbridge, MA, shown on the Town of Uxbridge Assessor's Map 23, Parcel 4435, and recorded in the Worcester County District Registry of Deeds Bk. 34880, Pg. 294, in order to construct a 130-unit condominium development. Floyd Forman indicated that Northwind Partners has already been given a few permits. Chairman Esposito expressed resentment and disbelief over their absence tonight. Mr. Forman indicated that the Board could close or continue the Public Hearing. Carol Masiello expressed her disappointment over their absence and the lack of courtesy in not even telling the Board they would not be in attendance. Floyd Forman reminded the Board members that this was a unique situation where people already live in this Age Restricted community. John Higgins made a motion, seconded by Carol Masiello, to continue the Public Hearing on this matter to 06/06/07. The vote is **3-0-0 in favor** of the motion.

**Vote to Accept and Endorse 04/04/07 ZBA Meeting Minutes:** Mark Wickstrom made a motion, seconded by Carol Masiello, to approve as written and endorse the 04/04/07 ZBA Meeting Minutes. The vote was **4-0-0 in favor** of the motion.

**Adjournment:** Mark Wickstrom made a motion, seconded by Carol Masiello, to adjourn. The vote was **3-0-0 in favor** of the motion. The meeting adjourned at 8:20 P.M.

Approved by the Town of Uxbridge Zoning Board of Appeals:

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Ernie Esposito, Chairman

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Carol Masiello, Member

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Mark Wickstrom, Member